Notice of Allowability	Application No.	Applicant(s)	
	10/583,430	DANENBERG ET AL.	
	Examiner	Art Unit	
	Sang Nguyen	2886	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *A.PE on 06/19/06*.

2. ☒ The allowed claim(s) is/are *1-12*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 12/20/06 & 06/19/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

sang H. Nguyen
Primary Patent Examiner
Art Unit 2886

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/02/06 and 06/19/06 has been entered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kevin D. McCarthy (Reg. No. 35,278) on 10/24/2007.

The application has been amended as follows:

1. (Currently Amended) An apparatus for measuring parameters of human feet for purpose of determining ~~the~~ an appropriate shoe size for said feet, said apparatus comprising:

(a) a base, which supports components of said apparatus, that are necessary to carry out ~~the~~ measurements and comprises a depression in its upper surface into which said feet are placed when said measurements are carried out;

(b) a cover, which fits over said base to protect said components, said cover comprising an open area in its interior that essentially matches ~~the~~ shape and dimensions of said depression in the upper surface of said base, interior walls, and a bridge element all of which, together with said depression in the upper surface of said base, define ~~the~~ borders of two essentially rectangular wells into which said feet to be measured are inserted in order to carry out said measurements;

(c) a pressure pad comprised of a matrix of pressure sensors that covers the floor of said wells;

(d) two stepping motors, each of when activated, causes a pair of endless belts to move, wherein one end of the first of said belts is fitted over a first pulley located on ~~the~~ a shaft projecting out from a first side of said motor and one end of the second of said belts is fitted over a second pulley located on said shaft projecting out from the opposite side of said motor;

(e) a light source/detector pair attached to each of said pairs ~~or~~ of endless belts, wherein one member of each of said light source/detector pair is attached to said first belt and the other member of said light source/detector pair is attached to said second belt;

(f) control means~~,~~ which controls the activation of said stepping motors;

(g) counting means~~,~~ which count the steps of the rotation of said shafts of said stepping motors;

(h) memory means, which store the results of said counting~~;~~ **,** the signals from said pressure sensors~~;~~ **, and optically ~~and, optionally,~~** other information required for the determination of said parameters;

(i) computational means, comprising software for computing the length and width of each of said feet from the data supplied by said counting means**,** and for determining diagnostic information from said sensors in said pressure pad; **and**

(j) display means, which display said parameters**,** and other pre-determined information**, wherein**

~~wherein,~~

each member of each of said light source/detector pair is attached to its respective belt such that proper optical alignment allowing the detector of each of said pairs to detect light emitted from the source of said pair is established and maintained when said belts move;

activation of the first of said stepping motors causes the elements of the first of said light source/detector pairs to move, without disturbing said optical alignment, back and forth along lines that are essentially parallel to the longitudinal symmetry axis of said wells;

activation of the second of said stepping motors causes the elements of the second of said light source/detector pairs to move, without disturbing said optical alignment, back and forth along lines essentially parallel to the transverse symmetry

axis of said wells; and

said software in said computational means integrates the results of said computed length and width of the feet with said diagnostic information obtained from said pressure pad to determine ~~the~~ **said** appropriate shoe size for each said feet.

The following is an examiner's statement of reasons for allowance:

As to method and device claim 1 is allowable over the prior art for at least the reason that the prior art of record, taken alone or in combination, fails discloses or render obvious An apparatus for measuring parameters of human feet for purpose of determining an appropriate shoe size for said feet comprising all the specific elements with the specific combination including of computational means, comprising software for computing the length and width of each of said feet from the data supplied by said counting means, and for determining diagnostic information from said sensors in said pressure pad, wherein each member of each of said light source/detector pair is attached to its respective belt such that proper optical alignment allowing the detector of each of said pairs to detect light emitted from the source of said pair is established and maintained when said belts move, activation of the first of said stepping motors causes the elements of the first of said light source/detector pairs to move, without disturbing said optical alignment, back and forth along lines that are essentially parallel to the longitudinal symmetry axis of said wells; activation of the second of said stepping motors causes the elements of the second of said light source/detector pairs to move, without disturbing said optical alignment, back and forth along lines essentially parallel

to the transverse symmetry axis of said wells; and said software in said computational means integrates the results of said computed length and width of the feet with said diagnostic information obtained from said pressure pad to determine said appropriate shoe size for each said feet in combination with the rest of the limitation of claim 1. The dependent claims 2-12 allowed by virtue of their dependence on claim 1.

Schuh-Union AG (DE 83 08 980) and Gerhard (US 2003/164954 A) disclose longitudinally and transversally arranged light source and detector pairs that are moved by the motors to compute length and width of the feet. Also, Brown (US Patent No. 5,659,395) discloses method and apparatus for analyzing feet by using static arrays of light source and detector pairs and pressure pads. However, none of above references does teaches all the features of claimed invention of the present invention as "computational means, comprising software for computing the length and width of each of said feet from the data supplied by said counting means, and for determining diagnostic information from said sensors in said pressure pad, each member of each of said light source/detector pair is attached to its respective belt such that proper optical alignment allowing the detector of each of said pairs to detect light emitted from the source of said pair is established and maintained when said belts move, activation of the first of said stepping motors causes the elements of the first of said light source/detector pairs to move, without disturbing said optical alignment, back and forth along lines that are essentially parallel to the longitudinal symmetry axis of said wells; activation of the second of said stepping motors causes the elements of the second of said light source/detector pairs to move, without disturbing said optical alignment, back

and forth along lines essentially parallel to the transverse symmetry axis of said wells; and said software in said computational means integrates the results of said computed length and width of the feet with said diagnostic information obtained from said pressure pad to determine said appropriate shoe size for each said feet" set for in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifu Chowdhury can be reached on (571) 272-2800 ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 24, 2007

Sang H. Nguyen
Primary Patent Examiner
Art Unit 2886